

Interview Summary

Application No.

10/562,842

Applicant(s)

GARCIA-RODENAS ET AL.

Examiner

Deborah K. Ware

Art Unit

1651

All participants (applicant, applicant's representative, PTO personnel):

(1) Deborah K. Ware.

(3) Sarah Dixon.

(2) Robert M. Barrett.

(4) _____.

Date of Interview: 17 April 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1-5 and 7-9.

Identification of prior art discussed: Portman (US 6207638).


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


DEBORAH K. WARE
PATENT EXAMINER

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' Representative pointed out that the fee for the IDS filed September 28, 2006 has been paid and Examiner stated she had considered references unofficially but did not provide PTO-1449 Form because she thought the fee had not been paid, the initialized form is attached and enclosed herewith. Furthermore, Applicants' Representative urged that intact whey protein is defined as soluble protein of milk and that Portman does not explicitly disclose intact whey protein per se. Also Examiner additionally notes that whey protein is also defined as milk protein. While Portman does disclose whey protein within the amounts claimed herein at the Table of column 7, lines 4 and 27-28 of the Portman reference it does not explicitly teach intact whey protein. Applicants' Representative urged that the intact whey protein is important to the claimed method, however, the Examiner pointed out that while the reference may be silent with respect to use of the term intact it was clear that the reference taught that whey protein is used for the same identical method as claimed, and that the properites of the Portman whey protein are the same as claimed herein because the whey protein of the Table was not specifically taught to be hydrolyzed whey protein and, therefore, the reference does not exclude intact whey protein. Applicants Representative indicated that further langauge may need to be added to distinguish their claimed invention over the art, and that they may want to file a RCE in order to make changes to the scope of the claims after final.